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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DESEAN J. OWENS,
Plaintiff,

v.

IMAM MALIK KEDAR and ORANGE
COUNTY,
Defendants.
-----X

ORDER

22 CV 6487 (VB)

Plaintiff, who is proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights. (Doc. #1).

On September 16, 2022, the Court entered an Order of Service directing the U.S. Marshals Service to serve process on defendants Kedar and Orange County. (Doc. #7).

On December 16, 2022, the U.S. Marshals Service docketed a Return of Service Unexecuted form as to Kedar. (Doc. #10). On January 3, 2023, Orange County provided a new service address for Kedar. (Doc. #16).

On January 5, 2023, the Court issued an Amended Order of Service ordering the Marshals Service to effectuate service upon Kedar at the new address. (Doc. #20). The January 5 Order extended plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve Kedar to April 25, 2023, and was mailed to plaintiff at the address on the docket.

On May 1, 2023, the docket indicated Kedar had not been served, and plaintiff had not requested an extension of time to do so. Accordingly, the Court sua sponte extended plaintiff's deadline to serve Kedar pursuant to Fed. R. Civ. P. 4(m) to June 30, 2023. (Doc. # 22). The May 1 Order directed plaintiff to request an extension of time to serve Kedar if the Marshals Service did not complete service by the June 30 deadline.

On July 6, 2023, because Kedar had still not been served, and plaintiff had not requested an extension of time to do so, the Court again sua sponte extended to plaintiff's deadline to serve defendant Kedar pursuant to Fed. R. Civ. P. 4(m) to September 5, 2023. (Doc. #23).

On September 6, 2023, the Marshals Service docketed a Return of Service Unexecuted form as to Kedar, noting that two failed attempts to serve him had been made on August 29 and 30, 2023. (Doc. #24).

To date, there is no indication on the docket that Kedar has been served, and plaintiff has not requested an extension of time to serve him.

Accordingly, it is HEREBY ORDERED:

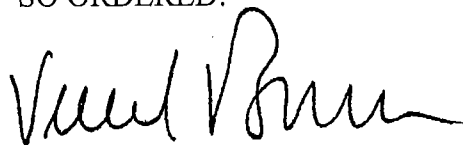
1. Plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve defendant Kedar is sua sponte extended to October 20, 2023.
2. By October 4, 2023, defendant Orange County is directed to submit a letter informing the Court whether it will accept service on behalf of Kedar, and, if not, it shall provide the Court with the reasons why it will not accept service. Moreover, if Orange County will not accept service on behalf of Kedar, it shall provide the Court with an address where Kedar may be served.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: September 20, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti
United States District Judge